

**Appln No. 10/506,294**  
**Amdt date August 22, 2007**  
**Reply to Office action of May 24, 2007**

**REMARKS/ARGUMENTS**

Reconsideration of the application is respectfully requested. Currently claims 1-6 and 8-26 are pending in the application. Claims 1, 8, 9, 13 and 25 are have been amended. Claim 7 has been cancelled.

Claims 7-9 have been rejected as allegedly failing to comply with the written description requirement. Although Applicant disagrees with the Examiner's rejection, in order to speed prosecution, claim 7 has been cancelled. Claim 13 has been rejected under 35 U.S. C. 112 and claim 13 has been amended to address the indefiniteness issue raised by the Examiner.

Claims 1-5, 6, 13, 16-17, and 19-23 have been rejected as allegedly anticipated by French. It is respectfully submitted that claim 1 as amended is not been anticipated by French. Claim 1 recites an applicator head having an applicator surface connected to an air suction source and having a least two perforatable, weak locations being recesses having a bottom which can be selectively perforated by hand by a suitable tool. As discussed with the Examiner during the telephone interview on August 21, 2007, none of the cited prior art references have an applicator surface having at least two perforatable weak locations being recesses having a bottom which can be selectively perforated by hand by a suitable tool. The advantage of this limitation as discussed during the interview is that the weak locations, if not perforated, form a plane applicator surface. Such a plane applicator surface has the advantage that labels can be kept flat so that their attachment to the product can be carried out without any disturbance. Depending upon the particular label to be applied, the weak locations can be selectively perforated by hand with a tool such as a needle as discussed in the specification as necessary. Because the plate is plastic, the applicator plate therefore can be selectively perforated to add additional openings so that no new applicator pad is needed to apply a different label. This is in contrast to the prior art showing applicator pads made of steel having a plate with pre-positioned holes. When different labels are to be applied, a new applicator pad with a different hole pattern must be substituted into the applicator.

For example, French discloses an applicator head having a lower plate 67 and a plurality of threaded apertures 101. A mask 113 comprising a plurality of openings 117 is placed on the upper side of plate 67, which is directed to the air suction source. The number and location of openings 117 of mask 113 are selected in accordance with the desired label to be applied. Vacuum is applied to the label only through apertures 101 which are aligned to openings 117 of mask 113.

In Becker, a vacuum chuck for holding a flexible flat product is described containing an upper plate 14 and a lower plate 16 which are adhesively and sealingly fastened together. Plate 16 comprises a plurality of discrete channels 18 dividing plate 16 into a plurality of zones. Plate 14 has a multiplicity of small closely spaced apertures 22 through which vacuum via various connectors 32 may be applied to align channels 18. By connecting desired connectors 32 to the air suction source, a vacuum can be applied to a specified zone according to the size of the flat product to be held. If the size of the flat product changes additional connectors may be connected to the air suction source to enlarge the zone to which the vacuum can be applied. By disconnecting connectors 32 from air suction source size of zone to which vacuum is applied will be reduced.

In Van Hofe, an applicator device is described wherein in a first plate 36 and a second plate 39 comprise a plurality of aligned transversal passageways 37, 40. A shim 41 containing perforations 43 according to the size and shape of the label to be applied, is interposed between plates 36, 39 permitting air passage to those passageways 37, 40 which are contained in the area of the label. Plates 36 and 39 are metal plates, shim 41 is made of aluminum, brass or bronze.

In all of the cited prior art, a metal shim, mask or plate containing a pattern of openings according to the size of the label to be applied is placed in an applicator plate to permit air passage to only those passage ways required by the label. If labels of any other size are to be applied, the shim, mask or plate has to be changed to another having openings of a different pattern. None of these prior art references have the claimed plurality of weak locations which are selectively perforatable by hand to accommodate different label sizes. It is respectfully that the claims are allowable over the art of record.

**Appln No. 10/506,294**  
**Amdt date August 22, 2007**  
**Reply to Office action of May 24, 2007**

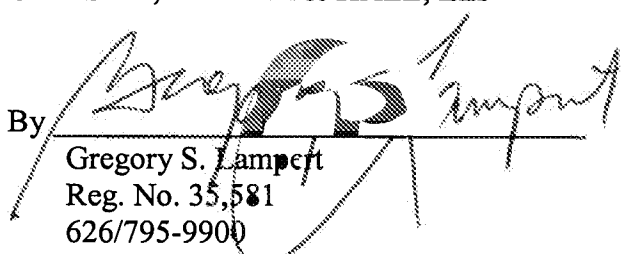
Claim 25 has been indicated as allowable if rewritten in independent format. Claim 25 has been rewritten in independent format.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance, and, accordingly, early indication thereof is respectfully requested.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By

  
Gregory S. Lampert  
Reg. No. 35,581  
626/795-9900

GSL/vsj

VSJ PAS751789.1-\* -08/22/07 10:36 AM